



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,980	10/24/2003	Masae Yanagi	21604-00016-US	6964

30678 7590 03/30/2007  
CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. BOX 2207  
WILMINGTON, DE 19899-2207

EXAMINER
----------

MORAN, RANDAL D

ART UNIT	PAPER NUMBER
----------	--------------

2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/691,980

Applicant(s)

YANAGI, MASAE

Examiner

Randal D. Moran

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2003 and 04 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/24/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

*Chankya B. Pr...*  
AU2135

**DETAILED ACTION**

1. The preliminary amendments filed on 10/24/2003 and 3/4/2004 have been considered by the examiner.
2. The IDS filed on 10/24/2004 has been considered by the examiner.
3. Claims 1-16 are pending for this application and presented for examination.
4. Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Art Unit: 2135

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 5, 6, 12, and 14** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, as they do not fall under any of the statutory classes of inventions. The language in the claims raise an issue because the claims are directed merely to an abstract idea that is not tied to an article of manufacture which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

The claims could reasonably be drawn to functional descriptive material, per se, i.e., "program" may be taken to mean software alone, and as such, the claims would be directed to non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-16** are rejected under 35 U.S.C. 102(b) as anticipated by **Nagano et al. (US 5,778,421)**.

9. Considering **Claims 1, 11, and 12**, Nagano discloses a data processing system for executing a program on the basis of a command and processing data (column 2- lines 41-46), comprising: a command unit for sending the command (column 8- lines 35-37, Fig. 7- item s41, Figure 5- item s12, column 7- lines 5-8); a processing unit for recording a program (Fig. 2- item 10 and item 30, column 3- lines 3-5); and an access unit for accessing a recording medium recording the data (Fig. 2- item 20 and item 40, column 8- lines 37-41), wherein said access unit includes means for sending to said processing unit position information indicating a recording position of the data recorded in the recording medium (Fig. 5- item s14, Fig. 8, column 7- lines 48-59), said command unit includes means for sending to said processing unit a command including program identifying information for identifying the program (Fig. 5- item s15 and item s19, name data, column 8- lines 6-9) , and said processing unit includes: means for requiring a feed of the data caused, in advance, to correspond to the program identifying information included in the command received from said command unit and recorded in the recording position indicated by the position information received from said access unit (Fig. 5- item s11 and item s12, processing unit requires that a disk be inserted prior to issuing of a command); and means for executing the program identified by the program identifying information included in the command received from the command unit and processing the data received as required (Fig. 8- item s19, column 8 lines 10-12).

Art Unit: 2135

10. Considering **Claim 2**, Nagano discloses a data processing system for executing a program on the basis of a command and processing data (column 2, lines 41-46), comprising: a command unit for sending the command (column 8- lines 35-37, Fig. 7- item s41, Figure 5- item s12, column 7- lines 5-8); a processing unit for recording a program (Fig. 2- item 10 and item 30, column 3- lines 3-5); and an access unit for accessing a recording medium recording the data (Fig. 2- item 20 and item 40, column 8- lines 37-41), wherein said access unit includes means for sending to said processing unit inventory information including data identifying information for identifying and position information indicating a recording position of the data recorded in the recording medium (Fig. 5- item s14, Fig. 8, column 7- lines 48-59), said command unit includes means for sending to said processing unit a command including program identifying information for identifying the program and information used for identifying the data (Fig. 5- item s15 and item s19, name data, column 8- lines 6-9), said processing unit includes: a data table for recording the data identifying information and the position information caused to correspond to each other (column 6- lines 53-60, Fig. 4- item 414 and item 334); a first program table for recording the data identifying information of the data related to the process of the program in association with the program identifying information (column 6- lines 53-60, Fig. 4- item 411, item 412, item 331, and item 332); a second program table for recording the program in association with the program identifying information (column 6- lines 53-60, Fig. 4- item 413 and item 333); means for recording to said data table the position

information and the data identifying information included in the inventory information received from said access unit (column 6- lines 53-60, Fig. 4- item 414 and item 334); means for extracting from the data table the position information corresponding to the information used for identifying the data and the data identifying information on the basis of the information used for identifying the data included in the command and the data identifying information recorded to the first program table in associated with the program identifying information included in the command received from said command unit (Fig. 5- item s14, Fig. 8, column 7- lines 48-59); and means for sending to said access unit data requirement for requiring a feed of the data recorded in the recording position indicated by the extracted position information (Fig. 2- item 32, Fig. 5- item s11 and item s12), said access unit further includes: means for reading the data from the recording medium on the basis of the data requirement received (Fig. 5- item s12-s15, column 7- lines 1-14 and 48-59); and means for sending the read data to said processing unit (Fig. 2- item 22), and said processing unit further includes: means for extracting from the second program table the program identified by the program identifying information included in the command received from said command unit (column 9 – lines 2-8); and means for executing the extracted program and processing the data received from said access unit (Fig. 8- item s19, column 8- lines 10-12).

11. Considering **Claim 3**, Nagano discloses the inventory information sent from said access unit includes an owner identifying information for identifying an owner of the data (column 6- lines 19-24), the information used for identifying the data included in the command sent from said command unit is an owner identifying information (Fig. 5- item s13 and s14, column 7- lines 47-55), and the position information, the data identifying information and the owner identifying information included in the inventory information is recorded on said data table (Fig. 4- item 33, column 6- lines 53-60).
12. Considering **Claims 4 and 13**, Nagano discloses the data identifying information to be assigned to the data that are a result from the execution of the program is recorded in said first program table in correspondence with the program identifying information (column 8- lines 35-41), said processing unit further includes means for sending to said access unit the data that are the result of the execution of the program and the data identifying information to be assigned to the data on the basis of the first program table (column 8- lines 35-41), and said access unit further includes means for recording the received data and the data identifying information to the recording medium (Fig. 7- item s50, column 9- lines 9-13).
13. Considering **Claims 5, 6, and 14**, Nagano discloses a related program identifying information for identifying a related program to be executed in relation with the



Art Unit: 2135

program is recorded in the second program table in correspondence with the program identifying information and the program (column 7- lines 59-67, column 8- lines 1-6), and the related program is a program for judging the absence/presence of the limit of the execution of the corresponding program (column 9- lines 29-34).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 7-10, 15, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nagano** in view of **Ginter (US 5,917,912)**.

16. Considering **Claims 7-10, 15, and 16**, Nagano does not explicitly disclose the data recorded to the recording medium are ciphered data and said processing unit further includes: means for ciphering the data; and means for deciphering the ciphered data.

Art Unit: 2135

Ginter does explicitly disclose the data recorded to the recording medium are ciphered data and said processing unit further includes: means for ciphering the data; and means for deciphering the ciphered data (column 12, line 30, column 8- lines 1-7, column 14- lines 25-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nagano by the cryptographic functions as taught by Ginter in order to guarantee the accuracy of the information transmitted by the VDE (Ginter- column 14- lines 35-37).

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 4,985,920 – IC Card.
- US 6,772,337 – Lightweight Security for parallel access to multiple mirror sites.
- US 5,319,705 – Multimedia access control enablement.
- US 5,836,010 – Chip-In computer card.
- US 4,827,508 – Data Usage Metering.
- US 5,533,123 – Programmable distributed personal security.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal D. Moran whose telephone number is 571-270-1255. The examiner can normally be reached on M-F: 7:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randal D. Moran

*RD Moran*  
*3/27/07*

*Channing B. Dwyer*  
*AU2135*